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Attorneys for Plaintiffs PATRICK CONNALLY
 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PATRICK CONNALLY an individual; and)
 DISABILITY RIGHTS ENFORCEMENT,)
 EDUCATION SERVICES:HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)

Plaintiffs,

v.

ALL STAR DOUGHNUTS; ALKAR)
 PROPERTIES LLC, a limited liability)
 company; HO CHAY LY and PAUL VAN)
 LY, individuals dba ALL STAR)
 DOUGHNUTS,)

Defendants.

CASE NO. CV 08-02163 PJH

**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CONNALLY V. ALL STAR DOUGHNUTS

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their
2 designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: December 19, 2008

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

8
9 By: /S/
10 Attorney for PATRICK CONNALLY and
11 DISABILITY RIGHTS ENFORCEMENT,
12 EDUCATION SERVICES: HELPING
13 YOU HELP OTHERS

14 Dated: December 22, 2008

AARON P. SILBERMAN,
ATTORNEY AT LAW

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16 By: /S/
17 Attorney for ALKAR PROPERTIES, LLC

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1 Dated: December 19, 2008

IILENE M. HOCHSTEIN,
ATTORNEY AT LAW

3 By: _____/S/
4 Attorney for HO CHAY LY and PAUL VAN LY

7 **ORDER**

8 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
9 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
10 purpose of enforcing the parties' Settlement Agreement and General Release should such
11 enforcement be necessary.

12 January 8, 2009

13 Dated: _____, 2008



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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON **CONNALLY V. ALL STAR DOUGHNUTS**

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UNITED STATE DISTRICT JUDGE